

1888-034 Chancery Causes: James A. Vandeventer vs. James M. Burchett &
Lee Co.

Wheeler, Weston

1 Plat

CA-Estate Dispute

T-Property

1 To The Honorable H. S. K. Morison, Judge
2 of the Circuit Court of Lee County, Va.

3 Humbly Complaining, your orator
4 James A. Vandewater would respectfully
5 represent unto your honor that - his father
6 or Carlin Vandewater departed this
7 life on the day of 1886 intra-
8 tate seized and possessed a good and
9 valuable farm of something near 140
10 acres, situate in Lee County, in the
11 White Shoals neighborhood. A copy of
12 the deed to said farm is here filed and
13 marked as exhibit "A".

14 Your orator would further show
15 your honor that the said Carlin left
16 surviving him a widow, Ara, three
17 grand children ^{who were} the children of James
18 Vandewater who departed this life
19 long before his father Carlin. The
20 names of said Grand children are James
21 L., Emory M. and Wm. James Vandewater,
22 and eight children, to wit: Your orator,
23 Nancy J. Burchett², Barthena Wheeler³,
24 Lavina Wheeler⁴, Martha J. Burchett⁵,
25 Mary C. Weston⁶, Ursula Weston and
26 Wm. Vandewater⁸.

27 Your orator would further
28 show your honor that - Nancy J.
29 married James M. Burchett, Martha
30 J. married Beverly J. Burchett, Mary
31 C. married James E. Weston, Ursu-
32 la married John M. Weston, Barthena
33 married R. H. Wheeler, Lavina married George

1 W. Wheeler and that said three
2 grand children are infants un-
3 der the age of 21 years.*

4 Now your orator is advised
5 that upon the premises aforesaid
6 the said real estate of the said Park
7 in upon his death intestate passed
8 to and descended in law to his
9 said heirs subject to the rights of
10 the said widow, and that the same
11 may be ~~assigned~~ partitioned among
12 his said heirs in a court of equity.
13 Thereupon the prayer of your orator
14 is that said widow be assigned
15 out of said real estate one third in
16 rental value for her natural life
17 and that the residue as well the
18 part assigned said widow be divid-
19 ed in ~~three~~ equal parts in value,
20 and one part assigned to each
21 of said heirs per stirpes; that
22 a guardian ad litem be duly
23 appointed to protect the interests
24 of said infants; that James M.
25 Nancy J., Beverly J., and Martha
26 J. Burchetts, John M. James E.,
27 Ursula and Mary C. Weston, R. H.
28 Wheeler, Lucretia Wheeler George H.
29 Wheeler, Bathena Wheeler, Mrs. Ara,
30 James L., Emory M., and Mrs. J. Van-
31 leanters be made parties defend-
32 ants to this bill of complaint and
33 each be required to answer its

* Your orator would further show your honor that the said Lucretia Wheeler and Mrs. Van leanters decide that their three shares be assigned them adjoining each other if the same can be done without material injury to the other parties interested in this cause.

several allegations on oath as fully
and completely as specially inter-
rogated thereto; And that all other
further and general relief be grant-
ed your orator as equity may dem-
and and proper in this cause.
And he will ever pray &c. May
Commonwealths Spem. issue &c.

E. W. Rummage
P. J.

le. le. 24.00
 24.00
 24.00
 24.00
 24.00

Clerk	12.99
G.A.L.	2.04
At	10.00
Couro	18.00
leob	3.47
9/	49.46
	5.00
	5.47
9/	43.46
	4.83

Jas. A. Vandewenter

vs. } Rice in Chan.

Jas. M. Burchette & Co.

1888 1st Aug Rules Bill filed
 Spd Executed by Geo.
 Capt. and of. Def to, and
 B. A. L. filed
 " 2 Aug Rules, D. M. Confds
 and Cause set for hearing
 " Sept. Decree for partition
 + continued
 " Dec. Decree final

To the Hon. W. S. L. Morrison
Judge of the Circuit Court for Lee
County, Virginia.

The separate answer of James
L., Emory M., and William J.
Vandewater, infant children of
Jesse Vandewater decd, and
heirs at law, in the Real Estate
of Larkin Vandewater decd, their Grand
Father, to a Bill in Chancery exhib-
ited in Your Honors Court against
these respondents and other defen-
dants by James A. Vandewater,
by their Guardian ad litem J. A.
G. Hyatt, who has been assigned
to answer for them.

For Answer this respondent says
that he has carefully read the
Bill, and knows of no reason
why its prayer should not be granted.

But his said wards being of tender
years and incapable of advising,
as to their rights and interests, and
Courts of Equity being the peculiar Guard-
ians of such rights, they are respectfully
placed in your care, where your
respondent is certain they will
be well guarded, Respectfully

J. A. G. Hyatt for decd.

James A. Vandeventer
vs 3 Ans et al. L for
3 Infants
James M. Burchett et al

Filed Aug. 6th 1888
J. A. Hyatt & Co

James A. Vandewater Complt.

vs.

J. M. Burchett et al Defts.

In Chanc.

This cause came on this the
day of Dec., 1888, to be again heard upon
the papers formerly read in the cause
and the report of Commissioners filed
therein on the 14th Nov., 1888, and was ar-
gued by counsel. It appearing to the court
that said report is unexcepted to, it is
adjudged, ordered and decreed that said
report of said Comrs., be confirmed; and
that Anna Vandewater take and hold for
her life lot no. 10 set out and described
in said Comrs. report; that Martha J.
Burchett wife of Beverly J. Burchett take
and hold in fee simple lot no. 1;
that Nancy J. Burchett wife of J. M. Bur-
chett take and hold ^{in fee simple} lot no. 2; that
James L., Emory M. and Jesse Vandewater
infant children of Jesse Vandewater
and take and hold ^{in fee simple} jointly lot no. 3;
that Mary C. Weston wife of Ernest
Weston take and hold in fee simple
lot no. 4; that Ursula Weston wife
of John Weston take and hold in fee
simple, lot no. 5; that Barthana
Whelan wife of R. H. Whelan take and
hold in fee simple lot no. 6; that
Jas. A. Vandewater take and hold in fee
simple lot no. 7; that Lavina Whelan
wife of George Whelan take and hold in
fee simple lot, no. 8; and that

Wm Vandewater take and hold lot no. 9 in fee-simple. And for a more particular description of said several lots reference is made to the report and plat of said Comrs. filed in this cause.

It is further adjudged, ordered and decreed that this decree together with the report and plat of said Comrs. be by the clerk of this court transmitted to the Clerk of the County court for recordation in the proper deed books kept in that office.

It is further adjudged, ordered and decreed that the clerk of this court tax up the costs in this cause for which judgment is rendered against said parties in proportion to the interest each of said parties may have in said land, and for which execution may issue, except as to said widow who is not hereby decreed to pay any of said costs.

And this cause is stricken from the docket.

J. A. Vandewater

Wm Vandewater

J. M. Burchett et al

Entered Dec 5th 1888,

O.B. 167. Dyott & Co

Enter this
Dec 5th 1888.
H. A. C. M.

James A. Vandewater

vs

Jas. M. Burchett et al

In Chancery

This cause came on this day to be heard upon the bill of complaint which its filed therewith and the separate answer of Jas. L., Emory M. and Wm J. Vandewater infants by their guardian ad litem: On consideration of all of which and it appearing to the court that process had been duly accepted by the adult defendants in this cause for more than 15 days & they failing to appear in obedience to the mandates of said process as to said adults said bill is taken for confessed, and it is ordered adjudged and decreed that C. C. Elliott, Wm L. Gion, Jefferson Miff and Wm Munsey who are hereby appointed commissioners for the purpose, do go upon the lands in the bill and proceedings mentioned and partition, lay off and assign the same, viz:

First, By assigning Arva Vandewater the widow of Charles Vandewater one third of said lands for her natural life;

Second, By assigning to James A. Vandewater, Lavina Wheeler and Wm. Vandewater each one-eighth of said land adjoining each other, if the same can be done without material injury to the ~~thus~~ interested in this cause;

Third, By assigning to the infant heirs of Jesse Vandewater one-eighth

of said land

Fourth, by assigning one-eighth of
said land to each of Nancy J. & Martha
J. Burchut & Mary L. & Ursula Weston

In each case of assignment said
cours. will have due regard with
~~have due regard~~ to value, quantity
&c. And said cours. will report
their action to a future term of this
court, and this case is continued.

J. A. Vanclaw

vs } Green No. 1

James M. Burchut

Entered 078 page 147.

J. A. Hyatt & Co.

Enter this Sept.

4 day 1888.

W. S. M.

Virginia

At a circuit court continued
and held for & at &, Sept. 4th 1888.

James A. Vandewater

Plff

vs

John M. Burchett et al. Defts

It is ordered, adjudged
and decreed, That C. C. Elliott,
Wm. D. Zion, Jefferson Neff, and Wm.
Muney, who are hereby appointed
Commissioners for the purpose, do
go upon the lands, in the Bill and
proceedings mentioned, and par-
tition, lay off, and assign the same
viz, First - By assigning Arra Vandewater
the widow of Larkew Vandewater, one
third of said land for her natural
life, Secondly, By assigning to James
A. Vandewater, Lavina Wheeler
and Wm. Vandewater each one
Eighth of said land, adjoining each
other, if the same can be done, with-
out material injury to the others, inter-
ested in this Cause.

Thirdly - By assigning to the infant
heirs of Jesse Vandewater one
Eighth of said land,

Fourth - By assigning one Eighth
of said land, to each of Nancy J.

Burchett Martha J. Burchett, and Mary
C. Weston and Ursula Weston.

In each case of assignment said
Couns will have due regard to
value, quantity, &c and will report
their action to a future term of
this Court and the cause is con-
tinued.

A Copy)

Teste J. A. Hyatt cc

4 Copies

James A. Vanderwerker

3 Copy Decease

Jno M. Burchett et

Handed copies of
this Decease to
W. C. Elliott who is
to at the request of
the Off. will hand
same to the other
Couns. Sept 18th
1888. J. A. Hyatt cc

Clerk.

\$ 1.78

Virginia

At a circuit court continued
held for Lee Co at &c Sept 4th 1888-

James a Vander venter

Plff.

vs

Jno M. Burchett et al

Def.

In Decy.

It is ordered.

adjudged & decreed that L. C. Elliott
Wm. P. Zion. Jefferson Steff. & Wm. Muncy
who are hereby appointed Commissioners
for the purpose do go upon the lands
in the Bill & proceedings mentioned
for partition. lay off. & assign the same
viz: First: By assigning Arsa Vander venter
the widow of Larkin Vander venter. one
third of said land for her natural
life - Secondly: - By assigning to James
a Vander venter Lammath Wheeler &
Wm Vander venter Each one eighth
of said land adjoining each other. if
the same can be done. without
material injury to the others interested
in this cause.

Thirdly: - By assigning to the infant
heirs of Jessie Vander venter $\frac{1}{8}$ of said
land.

Fourth. By assigning one eighth
of said land to each of

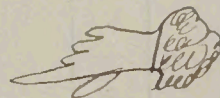
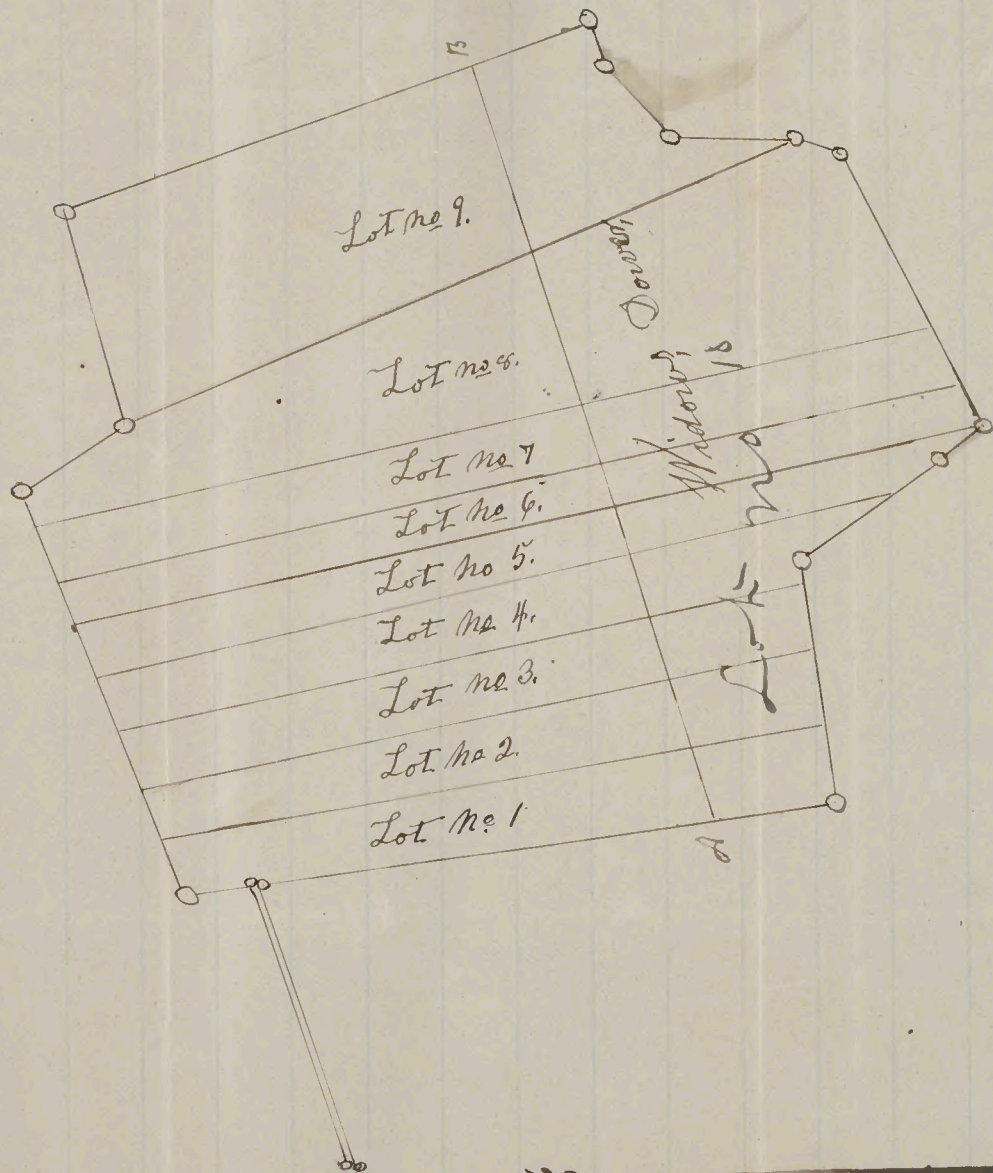
Nancy J. Burchett. Mary J. Burchett
+ Mary C. Weston & Ursula Weston
In each case of assignment
said Commissioners will have
due regard to value quantity &
will report their action to a
future term of this Court & the
Cause is continued

Attest:

Teste: J. A. Hyatt C.C.

Heir over Loretta Barthelemy Whaler,
making the Ninth Leir,

Don
C. B. Elliott



Meridian

2.25
1 22
3.47

Platt

"B."

$$\begin{array}{r} 22' \\ \underline{24} \\ 25 \end{array} \quad \begin{array}{r} 8 + 40 \\ \underline{\quad} \\ 48 \end{array}$$

Variation $1\frac{1}{2}$

To Beverly J. Burchett Lot No 1 bounded as follows
Beginning on a Chestnut & two Blackoaks near the top
of a ridge thence $N 71^{\circ} W 135^{\frac{1}{2}}$ poles to a stake or Rock
Mr. Muney's corner and with his line $N 68^{\frac{1}{2}} E 12$ poles to
stake in said Muney's line thence leaving said line $S 9^{\circ} E$
 140 poles to stake in the old line and with the same
 $S 81^{\frac{3}{4}} W 16$ poles to the Beginning containing 12 acres

To James M. Burchett Lot No 2 Bounded as follows
Beginning on a small Dowerwood in the original line
thence $S 81^{\frac{3}{4}} W 15^{\frac{1}{2}}$ poles to the corner of Lot No 1 & with
the same $N 9^{\circ} W 140$ poles to a stake another corner of lot
no. 1 in Muney's line and with his line $N 68^{\frac{1}{2}} E 11$ poles
to a stake thence leaving Muney's line $S 11^{\circ} E 142$ poles
to the Beginning containing 12 acres

To the infant heirs of Jesse Vandaventer
Lot No 3 Bounded as follows
Beginning on a Hickory Blackoak & Whiteoak all bushes
in the old line $S 81^{\frac{3}{4}} W 13^{\frac{1}{2}}$ poles to the corner of lot no.
2 & with a line of the same $N 11^{\circ} W 142$ poles to a stake
in Muney's line & with the same $N 68^{\frac{1}{2}} E 14$ poles
to a stake thence leaving Muney's $S 11^{\circ} E 145$ poles
to the Beginning containing 12 acres.

To Mary C. Vandaventer now Emel Weston's
wife. Lot No 4. Bounded as follows
Beginning at a stake in the old $N 35^{\circ} W 26$ poles to a
double Beech & chestnut an original corner, $S 81^{\frac{3}{4}} W 5^{\frac{1}{2}}$
poles to corner of lot no 3. & with the same $N 11^{\circ} W 145$
poles to a stake in Muney's line, & with the same $N 68^{\frac{1}{2}} W$

13 poles to a Stake thence leaving Muncey line S 12 E 172 poles to the Beginning containing 12 Acres

To Ursula Vandaventer now John Weston wife Lot No. 5 Bounded as follows

Beginning on a Dogwood + 3 Downwood the Beginning of the Survey N 39 W 11 poles to a Micho + White oak N 35 W 10 poles to the corner of Lot No. 4. + with the same N 12 W 172 poles to a stake in Muncey's line and with the same N 68 1/2 E 14 poles to a Stake thence leaving said line S 11 E 194 poles to the Beginning containing 12 A.

To Barthena Vandaventer now R. M. Wheeler's wife Lot No. 6 Bounded as follows.

Beginning at a Stake in the original line + with the same S 66 1/2 W 10 poles to the Beginning corner of the old Survey, a corner to Lot No. 5 and with the same N 11 W 194 poles to a Stake in Muncey's line and with the same N 68 1/2 E 10 1/2 poles to a Stake thence leaving Muncey line S 11 E 193 poles to the Beginning containing 12 Acres.

To James A Vandaventer Lot No. 7 Bounded as follows.

Beginning on a Stake in the Original line + with the same to corner of Lot No. 6. and with the same N 11 W 193 poles to a Stake in Muncey's line + with the same N 68 1/2 E 13 poles to a Stake thence leaving said line S 11 E 191 poles to the Beginning containing 16 Acres

To Levina Vandaventer now George Whuler
wife Lot No 8 Bounded as follows

Beginning on a Whiteoak old corner S 19 W 10 poles
to a Stake old corner S 66 1/2 W 40 poles to a Stake corner
to lot no 7. + with the same N 11 W 191 poles to
a Stake in muncys line + with the same
N 68 1/2 E 7 poles to a Rock + Dogwoods bush. Muncys
corner thence leaving muncy line S 31 3/4 E 25 poles to a
Gum and Whiteoak by a Sink hole S 21 1/2 E 151 poles
to the Beginning containing 33 Acre?

To Mrs Vandaventer

Lot No 9. Bounded as follows.

Beginning on a Whiteoak old corner + corner to
lot no. 8 S 21 1/2 W 151 poles to a Gum + Whiteoak
by a Sink corner to lot no 8 + leaving the same
N 74 1/4 E 44 poles to a Stake in the corner of a
fence S 19 E 116 poles to a Dogwood + Sowerwood
S 73 W 10 poles to a Blackoak Whiteoak + 2 Sowerwood
S 47 1/2 W 20 poles to a Blackoak S 1 1/2 W 26 1/2 poles
to the Beginning containing 31 acre

There is a small piece of land lying
on the west side of tract of land that leads
to the main road. it being heretofore reserved
for a road or passway we have left it in
common to all of the heirs, We also give
to all of the heirs the privilege of using
water from their father's Spring provided
they do it peaceably,

We herewith file a Plat. Marked B,

The following is the Bill of costs

To C. C. Elliott	\$6.00	Paid
Jefferson Keft 4 days	4.00	17
Wm Muncy 4 days	4.00	17
Wm P Zion 11 days	11.00	27

All of which is respectfully Submitted

C. C. Elliott
Jefferson Keft
Wm Muncy
Wm P Zion

Virginia Lee County Court Clerk's office Dec 20/1888
The foregoing Plat and report of
the partition of the land of Larkin
Vanderwerker decd, was this day
filed in this office and admitted
to records.
Test John R. Gibson Clerk

Jno. A. Vandewater
vs
Cours Report

Jno. M. Burchett et al

Filed Nov. 14th 1888.

J. A. Hyatt & Co.

Recorded Dec

Book No 23 P. 460

J. R. Bonnell

Record fees paid

J. R. B.

Cours fee - \$18.00

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

² James M. Burchett Nancy
³ J. Burchett William Vandewater R. H. ⁴ Wheeler
⁵ Barthera ⁶ Wheeler Geo. W. ⁷ Wheeler Laura
⁸ Wheeler Bennerley ⁹ Burchett Martha
¹⁰ Burchett James E. Weston Mary ¹¹ Weston
¹² John M. Weston Ursula ¹³ Weston Anna
¹⁴ Vandewater James L. Vandewater
Emory M. Vandewater and
William J. Vandewater.

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in August next, being rule day to answer a bill in Chancery exhibited in our said Court
against them by James A. Vandewater

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This 6th day of August 1888, in the 11³ year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

D. King

James A Vandewater

vs *Spain et al*

James M. Bonnell et al

Lo. Aug. Rules 1888

*We accept legal
service of the within
Spa. this Aug 6/1888.*

Bes H. Wheeler

Barthena Wheeler

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

² James M. Burchett, Nancy
J. Burchett, William ³ Vandevanter R. ~~A. Wheeler~~
Bartholomew ⁴ Wheeler, George ⁴ W. Wheeler, Lavinia ⁵
Wheeler, Beverley J. ⁶ Burchett, Martha ⁷ Burchett
James E. ⁸ Weston, Mary C. ⁹ Weston, John
Jm. ¹⁰ Weston, Ursula ¹¹ Weston, Arra ¹² Vandevanter
James L. ¹³ Vandevanter, Emily M. Vandevanter
and William J. Vandevanter.

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in August next, being rule day to answer a bill in Chancery exhibited in our said Court
against them by James A. Vandevanter

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.
This 6th day of August 1888, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(E.W.P)

James A. Vandeventer

vs 3 Spd in Chcy

James M. Burchett et al

To 1st Aug. Rules 1888

We accept legal
service of the within
Spd, Aug. 6th 1888.

- 1 James M. Burchett
- 2 Nancy J. Burchett
- 3 William Vandeventer
- 4 George Wheeler
- 5 Lavinia Wheeler
- 6 Beverly J. Burchett
- 7 Martha J. Burchett
- 8 James E. Weston
- 9 Mary C. Weston
- 10 John M. Weston
- 11 Mauda A. Weston
- 12 Anna Vandeventer
- 13 Jas. S. Vandeventer

13
17
91
13
221